



RECEIVED

July 2, 1985

JUL 08 1985

Mr. Mike Pool
EIS Team Leader
Bureau of Land Management
3550 Pan American Freeway, N.E.
P. O. Box 6770
Albuquerque, N.M. 87197-6770

Pueblo of Laguna
Legal Assistant

Dear Mike:

During the last four months, Anaconda has reviewed the draft environmental impact statement (EIS) for reclamation of the Jackpile-Paguete Mine. This review has been conducted by Anaconda legal and technical personnel, consultants originally retained by Anaconda to develop the 1982 Green Book reclamation plan, and scientific experts who were requested to examine specific aspects of the draft. On the basis of this review, we have concluded that the draft EIS contains analytic and factual errors of such magnitude that it should be withdrawn, completely rewritten, and republished.

Prior to August 1, Anaconda intends formally to request that the draft EIS be withdrawn. We are giving you advance notice now because we presume that you will wish to consider postponing the public hearing scheduled for September 10 and 11 until after the Department has fully evaluated our request.

The most significant mistakes and omissions in the draft EIS are:

1. The no-action alternative was unjustifiably discarded due to presumed impacts of the unreclaimed mine site on human health and safety. The only allegedly significant hazard mentioned in the draft is the radiological health risk, but as item 5 indicates, that hazard is insignificant.
2. The range of alternatives considered was improperly limited to variations of Anaconda's 1982 Green Book plan which is already, to a considerable extent, obsolete. The draft EIS should have considered alternatives involving ultimate land uses other than grazing; instead of merely heaping additional costly and unnecessary requirements upon the Green Book Plan, the report should have independently developed and proposed a broad range of original alternatives.
3. The draft EIS does not accurately estimate the consequences of the 1982 plan, nor does it adequately describe the DOI and Laguna alternatives. The mistinterpretation of the 1982 plan led the DOI to calculate erroneously the volumes of materials to be moved by millions of tons. The description of the DOI alternatives is so deficient that Anaconda cannot verify the costs, volumetrics, or environmental impacts of those alternatives. Because the Laguna alternatives are nothing more than add-ons to the DOI alternatives the descriptions of those alternatives are also defective.

4. The volumetric estimates for Anaconda's 1982 plan are wrong. Apart from misinterpreting the 1982 plan, the draft's computerized volumetric estimates contain many significant errors. As a result of these errors, the draft EIS significantly overestimates the volumes of the 1982 plan. It is extremely difficult to verify the volumetric estimates for the DOI and Laguna alternatives because the draft does not provide sufficient engineering detail.
5. The radiological health effects predicted by the draft EIS are wrong. The Argonne study on which the draft relies overestimates the health effects of the "no-action" alternative by more than two orders of magnitude (i.e., a factor by more than 100). Dr. Leonard Hamilton identified this error in a recent analysis of the draft EIS. Dr. Hamilton has calculated the true radiological health risk from the no-action alternative to be about 1/100th of that reported in the draft. Because the radiological health risk that otherwise might justify reclamation is actually negligible, this error caused the Department to discard improperly the "no-action" alternative. The analysis of radiological health effects by Dr. Hamilton represents significant new information which mandates publication of a new draft EIS.
6. The safety factors for the Gavilan Mesa highwall are wrong. The draft assumes a safety factor of 1.15-1.26, and therefore erroneously concludes that the highwall is "almost certainly unstable". Seegmiller International has re-evaluated the stability of the existing highwall, and has determined that the safety factor exceeds 1.5 without any buttress material at the base of the high wall, and that the highwall is absolutely stable. This re-evaluation also constitutes significant new information requiring publication of a new draft EIS.
7. As a consequence of employing erroneous safety factors, the draft improperly concludes that the waste dumps are unstable. Seegmiller International has re-evaluated the stability of the waste dumps, and has determined that the dumps, having a safety factor in excess of 1.8-2.2, will be stable.
8. The draft incorrectly concludes that revegetative success under Anaconda's 1982 plan would be limited to 70% of comparable undisturbed areas, evidently because Anaconda proposed an evaluation criterion of 70%. To the contrary, Anaconda anticipates full revegetation on those areas that meet the 70% evaluation criterion within three years. The 70% evaluation criterion is simply a predictor of whether the revegetation efforts will ultimately result in full vegetation comparable to undisturbed areas.

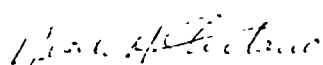
The principal purpose of a draft EIS is to accurately describe available alternatives and the environmental impacts of those alternative so that the public will have an opportunity to offer useful comments. Because of the mistakes and omissions in the Jackpile-Paguate Draft EIS, it is virtually useless as a tool to facilitate public comment and informed

Mr. Mike Pool
July 2, 1985
Page 3

decision making. Rather than attempting to develop a series of workable, innovative and cost effective reclamation alternatives, the DOI merely piles a number of evidently random increments on the already outdated 1982 plan, while utterly failing to verify the technical bases and scientific conclusions in support of these proposals.

You will soon receive from Anaconda a formal request for revision of the draft, with detailed supporting documentation of the above points. Upon review of this material we assume that you will elect to postpone the public hearing, and immediately commence preparation of a new draft EIS. If you do not choose to postpone the hearing, Anaconda will appear as scheduled, and at that time will reiterate its request, with full legal and technical support, that the DEIS be withdrawn.

Sincerely,


Meade A. Stirland
General Manager

mls

cc: Steve Griles, Acting Assistant Secretary
for Land and Minerals Management
Ron Solimon, Pueblo of Laguna ✓
Bill Allen, Bureau of Indian Affairs